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ABSTRACT

The legal obligation of Ohio school employees to report situations of suspected child abuse and neglect has generated a need for school districts to adopt a written policy together with guidelines and procedures to assure school personnel are aware of the mandate to report and have a structural procedure to do so. The written policy should: (1) insure suspected abuse is reported with a minimum of disruption of the educational process; (2) outline reporting procedures consistent with the authority structure of the school system; (3) discuss safeguards to confidentiality; and (4) include provisions for periodic policy review. Members (N=65) of the Greater Cleveland Superintendents' Association were surveyed about their schools' policies. Of the 23 responses, 14 indicated they had a board policy regarding child abuse and 10 of these 14 had procedures for carrying out the policy. Thirteen school districts provided inservice training regarding child abuse. Some of the schools without policies were developing them. (Also included are the survey instrument, respondents' comments, recommendations to schools without policies, a sample policy outline, an individual district's written policy, the section of the relevant Ohio law, Ohio Department of Public Welfare policies and procedures, the Cuyahoga County Welfare Department Sex Abuse Policy, and the Cleveland Police Department policy on child/sex abuse.) (ABL)

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CHILD SEXUAL ABUSE: POLICIES, PROCEDURES, AND GUIDELINES

Prepared by

Women's City Club Task Force on Child Sexual Abuse
Policies,Procedures and Guidelines Committee

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February, 1986

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TABLE OF CONTENTS

CHILD SEXUAL ABUSE	1
SURVEY OF GREATER CLEVELAND SUPERINTENDENTS' ASSOCIATION	3
SURVEY OF SCHOOL POLICY AND GUIDELINES RELATED TO CHILD ABUSE AND NEGLECT	4
COMMENTS REGARDING DISTRICT'S EXPERIENCE	5
CONCLUSIONS	7
RECOMMENDATIONS	7
REFERENCES	8
APPENDIX A: OUTLINE OF A MODEL CHILD ABUSE AND NEGLECT POLICY FOR SCHOOLS	9
APPENDIX B: SCHOOL DISTRICT POLICY	11
APPENDIX C: OHIO REVISED CODE 2151.421	14
APPENDIX D: DEPARTMENT OF PUBLIC WELFARE POLICIES, PROCEDURES, AND GUIDELINES	17
APPENDIX E: CUYAHOGA COUNTY WELFARE DEPARTMENT SEX ABUSE	26
APPENDIX F; CLEVELAND POLICE DEPARTMENT POLICY AND GUIDELINES	27

CHILD SEXUAL ABUSE

Section 2151.421 Ohio Revised Code dealing with the reporting of child abuse and neglect requires:

1. All school employees having reason to believe that a child under eighteen years of age has suffered any wound or injury or condition which reasonably may indicate abuse or neglect shall immediately report such information.

2. A written report should follow as soon as possible - to Cuyahoga County Human Services - 3955 Euclid Ave., Cleveland.

3. Any school employee making such a report shall be immune from civil or criminal liability.

The legal obligation of school employees to report situations of susspected child abuse and neglect has generated a need for school districts to adopt a written policy together with guidelines and procedures to assure that school personnel are, first, aware of the mandate to report and, secondly, have a structural procedure for doing so.

Several essential elements need to be incorporated into a written school policy to insure that situations of suspected abuse are reported with a minimum of uncertainty, fear and disruption of the educational process. Very important is a simple, clear statement from the law of the legal obligation of all school employees to report cases of suspected abuse/neglect. Brief legal definitions of abuse/neglect need to be included directly from the law. The policy should also include the statement from the law which provides immunity from civil or criminal suit to any school employee reporting suspected abuse/neglect.

The written school policy should outline clear step-by-step procedures for reporting abuse/neglect that are consistent with the authority structure of the school system and reflect the particular requirements of the individual school system. The written policy should list the information to be furnished by the school in each situation. It should also clearly limit the responsibility of school personnel. School personnel are not required to provide proof of abuse or neglect nor are they to take any steps to investigate the situation. School personnel are only required to describe the evidence of suspected abuse/neglect.

The written policy must spell-out the safeguards to the confidentiality of the information gathered in reporting suspected abuse/neglect. Written reports should not be kept in the child's cumulative file. At the same time, the policy should state that the mandate to report abuse and neglect supercedes the Federal Rights to Privacy Act where parent consent must be obtained before sharing information with outside parties. School personnel do not need parental consent in order to report suspected abuse or neglect!

Finally, a written policy should include provisions for periodic review of the policy to determine its effectiveness, provide for in-service training of school staffs, and provide for dissemination of the policy to all school employees.

SURVEY OF GREATER CLEVELAND SUPERINTENDENTS' ASSOCIATION

Surveys were distributed to the sixty-five members of the Greater Cleveland Superintendents' Association. Twenty-three surveys were returned for a response of thirty-five percent. Fourteeen of the responding school districts indicated that they have developed a board policy concerning child abuse; nine have not. Of the fourteen school districts that have developed a board policy, ten have also developed guidelines or procedures for carrying out the board policy. Thirteen school districts provide inservice training regarding child abuse.

Seven school districts that have not developed a board policy, guidelines, or procedures are in the process of doing so. Three school districts that have developed a board policy but no guidelines and procedures plan to do so. One school district which has not developed and does not plan to develop a board policy, guidelines, or procedures does provide inservice training regarding child abuse. Comments regarding experiences using policy and guidelines varied with each school district.

SURVEY OF SCHOOL POLICY AND GUIDELINES
RELATED TO CHILD ABUSE AND NEGLECT

1. Does your school district have a board policy concerning child abuse? YES___14_____ NO __9_____

2. Has your school district developed guidelines or procedures for carrying out the board policy? YES ____10____ NO__13___

   If YES, please comment on your district's experience in using policy and guidelines (for example, has there been a change in the number of reported cases?)

   If NO:
   Is your district in the process of developing guidelines?
   YES_____7_____ NO____6_____

   Do you plan to develop guidelines in the near future?
   YES_____3_____ NO ___3_____

3. Does your district provide for staff inservice regarding child abuse? YES____13_____ NO___10___

COMMENTS REGARDING DISTRICT'S EXPERIENCE

1. No change in reported cases. Procedures have been used for several years. Policy and procedures will change slightly in January (see attached policy/procedures change).

   We recently had a seminar on sexual abuse, including child abuse, in which over 40 teachers attended. We have had a seminar almost every year for the past 3 on this subject.

2. Policy was written based on the Ohio Revised Code.

   Inservices have been held which included people from the welfare departments who instructed them in how to identify cases and how to report them.

   Plan to schedule inservices for each building.

   District feels that their one and only duty is to identify a case and report if to the proper authorities. They do not feel a need to go beyond that with the student.

3. Most cases are identified by school nurses. The nurse reports to administrators and then the necessary legal authorities are notified.

   The biggest complaint is that after the school identifies these children and reports the cases, everything bogs down and it is weeks or even months before someone gets to see the family. Also, the schools are not kept informed of what is happening, or even if and when the families have been contacted. They would like to be made aware of followup.

4. Teacher reports case to principal - principal refers case to Pupil Personnel.

   Only a few cases each year.

   No staff inservice.

5. 3 cases reported this year: two sexual abuse, one physical abuse. Of course, there are many cases of emotional abuse. Teachers received extensive inservice in the spring. They understand that they are obliged by law to report such cases, and have received some training in dealing with these children.

   We are not in the process of developing guidelines, and have no plans to do so in the near future.

6. Number of reported cases has been consistent over the years.

Teachers are at ease about reporting. Local agencies in Portage County have been very cooperative.

Inservice has been provided yearly for past several. Inservice included: 1) children in alcoholic/drug abused families; 2) sexual abuse; 3) child abuse indicators and procedures.

7. No increase in reporting cases, however, we are pleased with community support of our efforts.

8. Very few cases during fourteen years.

9. We will begin a complete policy revision after 1/1/86 and the issue of child abuse will be considered during this review.

CONCLUSIONS

Survey responses indicate that twenty-one percent of the school districts represented by the Greater Cleveland Superintendents' Association have developed child abuse policies. Fifteen percent have also developed child abuse procedures and guidelines.

RECOMMENDATIONS

For those school districts that have not yet developed policies, procedures, and guidelines, the committee makes the following recommendations.

1. Develop a written policy that includes legal requirements and immunities as well as legal definitions of child abuse and neglect.
2. Outline clear step-by-step procedures for reporting abuse and neglect.
3. List information to be furnished by the school in each situation.
4. Limit the responsibility of school personnel.
5. Spell-out safeguards to the confidentiality of the information gathered in reporting suspected abuse and neglect.
6. Provide for periodic review of the policy to determine its effectiveness.
7. Provide for inservice training of school personnel.
8. Disseminate copies of the policy to all school systems.

To assist school districts in developing written policies, procedures, and guidelines, copies of "Outline of a Model Child Abuse and Neglect Policy for Schools" (1984) and of a school district policy, procedures, and guidelines which meet the criteria specified in the model outline are included in this report. Copies of the Ohio Revised Code 2151.421, Ohio Department of Welfare policies and procedures,

Cuyahoga County Department of Welfare sex abuse policy and Cleveland Police Department child abuse policy and guidelines are also included.

Finally, the committee recommends that school personnel see Fastback 172: The School's Role in the Prevention of Child Abuse (30pp) available from Phi Delta Kappa ($.75) for a clear, succinct discussion of reporting, identifying and preventing child abuse as well as developing inservice training for school personnel. Included are a model policy statement and sample reporting form.

REFERENCES

___. The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect. U.S. Dept. of Health & Human Services. Washington, D.C., 1984.

London, Samuel B. & Stile, Stephen W. The School's Role in the Prevention of Child Abuse. Phi Delta Kappa, Bloomington, Ind. 1982.

APPENDIX A

OUTLINE OF A MODEL CHILD ABUSE AND NEGLECT POLICY FOR SCHOOLS

POLICY	PROCEDURES
STATEMENT OF SCHOOL SYSTEM COMMITMENT TO MALTREATED CHILDREN AND FAMILIES	1. Disseminate school board statement. 2. Define areas of child abuse and neglect. 3. Recognize parent feelings and rights.
REPORTING REQUIREMENTS THAT REFLECT STATE LAW.	1. Publish legal requirements, with immunities and liabilities. 2. Provide in oral and written form. 3. Designate reporting responsibility. 4. Appoint an internal coordinator and outline specific procedural action. 5. Identify a feedback/followup system.
INSERVICE TRAINING AND STAFF DEVELOPMENT PROGRAMS.	1. Appoint a training team. 2. Select training materials. 3. Plan a schedule of inservice events. 4. Offer education incentives.
DESIGNATION OF SCHOOL PERSONNEL TO COLLABORATE WITH THE COMMUNITY MULTI-DISCIPLINARY CHILD ABUSE AND NEGLECT CASE CONSULTATION TEAM.	1. Appoint a school representative/liason on the case consultation team. 2. Designate school personnel who can be used in advisory capacity. 3. Specify attendance procedures for case-related personnel.
IDENTIFICATION OF SCHOOL/ COMMUNITY RESOURCES AS SUPPORT SERVICES.	1. Assess available resources. 2. Publish a list of service providers and programs with eligibility requirements. 3. Establish or utilize existing school-based teams for program planning.

PROMOTION OF PRIMARY PREVENTION PROGRAMS.

1. Authorize schools to sponsor parent education programs.
2. Initiate a public awareness effort.
3. Designate school facilities to be used for family support services.
4. Develop parent education curriculum at secondary level.

Taken from: The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect. U.S. Dept. of Health & Human Services. Washington, D.c., 1984.

APPENDIX B

CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS CITY SCHOOL DISTRICT

DEPARTMENT OF PUPIL SERVICES

PROCEDURES FOR REPORTING CASES OF SUSPECTED CHILD ABUSE AND NEGLECT

You are probably aware that it is the legal obligation of school employees to report situations of suspected child abuse and neglect. Because school personnel are in daily contact with school-age students, we are in an excellect position to identify abused children and refer them to the proper legal authorities for protection.

SECTION 2151.421. OHIO REVISED CODE, dealing with the reporting of child abuse and neglect requires;

1. All school employees having reason to believe that a child under eighteen years of age has suffered any wound or injury or condition which reasonably may indicate abuse or neglect shall immediately report such information.

2. A written report should follow as soon as possible - to Cuyahoga County Human Services - 3955 Euclid Ave., Cleveland.

3. Any school employee making such a report shall be immune from civil or criminal liability.

ABUSE means the infliction, by other than accidental means, of physical harm upon the body of a child as evidenced by:

1. Injuries, unexplained cuts, burns, bruises, scars.

2. Sexual exploitation and molestation.

3. Severe and harsh punishment.

NEGLECT means the failure to provide necessary food, clothing, shelter, medical care, schooling supervision; abandonment of the child by parent or guardian.

PROCEDURES FOR REPORTING:

1. It is the policy of the Cleveland Heights-University Heights City School District that all school employees who suspect that a child's physical or mental health and welfare may be adversely affected by abuse or neglect shall immediately report this information to their Principal or Immediate

Supervisor.

2. The Principal or immediate Supervisor shall immediately contact the School Social Worker, Counselor, or Student Adjustment assigned to the building or the Coordinator of School Social Work Services, or Executive Director of Pupil Services and provide the following information:

   1. Name of student, parents' names
   2. Address
   3. Telephone number - home and work phones
   4. Birthdate of student
   5. Extent of injuries or description of neglect
   6. Other pertinent information that might establish the cause of the injuries or conditions associated with them.

In situations, involving physical injuries (bruises, scars, burns, etc.). the school nurse shall be contacted to make a written report of his/her physical inspection of the child. School nurse's report is mailed with written report from Counselor, Social Worker, Student Adjustment Specialist.

3. School employees shall not contact the child's family or make any investigation to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school to prove that the child is abused or neglected, nor to decide whether a child is in need of protection. The requirement to to report information regarding suspected abuse or neglect supercedes Policy #2500, Collection, Maintenance, Use, and Dissemination of Information about Students and, therefore, does not require written parent consent to report to the appropriate legal authorities. However, the School Social Worker, Counselor, Student Adjustment Specialist will ~~inform~~ parents that a report is being made when deemed appropriate after consultation with the Principal.

4. Following consultation with the Coordinator of School Social Work Services or Executive Director of Pupil Services, the School Social Worker, Counselor, or Student Adjustment Specialist shall immediately make a telephone report to the Cuyahoga County Division of Human Services, Intake Department (241-5050). The telephone report will be followed as soon as possible by the written report. The Cuyahoga County Division of Human Services is responsible for notifying and submitting a copy of the Uniform Report Form for Child Abuse to the local police, when deemed necessary.

5. In situations involving suspected abuse or neglect of upper elementary or secondary school age students, the student shall be informed by the School Social Worker, Counselor, Student Adjustment Specialist, School Nurse, or Principal that a report is being made to the Division of Human Services and that an investigation will likely be made of the alleged abuse or

neglect.

6. The Cleveland Heights-University Heights School District is committed to cooperate with the Division of Human Services required by law to investigate situations of suspected abuse and neglect within twenty-four hours of receiving a report. The School Counselor, Student Adjustment Specialist, School Social Worker shall act as liaison between the Division of Human Services and the school, providing additional information, arranging confidential interviews with the student in school, and communicating to school staff the findings of the agency's investigation, and plans for the student's protection of improvement of his/her situation.

7. All records concerning reports of suspected abuse or neglect are confidential and <u>not</u> to be kept in the student's cumulative folder. Such records are "Class D" information, under Board Policy #2500, Collection, Maintenance, Use and Dissemination of Information About Students, to be released only by subpoena or judicial order. The Counselor, Student Adjustment Specialist shall arrange for opening a Pupil Services file or filing a copy of the written report in the Student's existing Pupil Services file as a record that a report was made to the Division of Human Services.

8. The Coordinator of School Social Services will keep a yearly count of the number, nature, and disposition of child abuse/neglect reports made for the School District.

9. The Executive Director of Pupil Services will periodically review this Policy to insure the school district's compliance with the legal mandate and insure that the implementation of these procedures provides maximum protection against abuse and neglect for the students of the Cleveland Heights-University Heights School District. The Executive Director of Pupil Services shall, in cooperation with building administrators, arrange necessay inservice training for school employees regarding child abuse and neglect.

APPENDIX C: OHIO REVISED CODE - 2151.421

2151.421 Persons required to report injury or neglect; procedures on receipt of report.

Any attorney, physician, including a hospital intern or resident, dentist, podiatrist, practitioner of a limited branch of medicine or surgery as defined in section 4731.15 or the Revised Code, registered or licensed practical nurse, visiting nurse, or other health care professional, licensed psychologist, speech pathologist or audiologist, coroner, administrator or employee of a child day care center, or administrator or employee of a certified child care agency, school teacher or school authority, social worker, or person rendering spiritual treatment through prayer in accordance with the tenets of a well recognized religion, acting in his official or professional capacity, having reason to believe that a child less than eighteen years of age or any crippled or otherwise physically or mentally handicapped child under twenty-one year of age has suffered any wound, injury, disability, or condition of such nature as to reasonably indicate abuse or neglect of the child, shall immediately report or cause reports to be made of such information to the children services board or the county department of welfare exercising the children services function, or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.

Anyone having reason to believe that a child less than eighteen years of age or any crippled or otherwise physically or mentally handicapped chid under twenty-one years of age has suffered any wound, injury, disability, or other condition of such nature as to reasonably indicate abuse or neglect of the child may report or cause reports to be made of such information to the children services board or the county department of welfare exercising the chidren services function, or to a municipal or county peace officer.

The reports shall be made forthwith by telephone or in person forthwith, and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(A) The names and addresses of the child and his parents or person or persons having custody of such child, if known;

(B) The child's age and the nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(C) Any other information which might be helpful in establishing the cause of the injury, abuse, or neglect.

Any person who is required to report cases of child abuse or

neglect may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

When the attendance of the physician is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.

Upon the receipt of a report concerning the possible abuse or neglect of a child, the municipal or county peace officer shall refer such report to the appropriate county department of welfare or children services boards.

No child upon whom a report is made shall be removed from his parents, stepparent, guardian, or other persons having custody by a municipal or county peace officer without consultation with the children services board or the county department of welfare exercising the children services function unless, in the judgment of the reporting physician and the officer, immediate removal is considered essential to protect the child from further abuse or neglect.

The county department of welfare or children services board shall investigate, within twenty-four hours, each report referred to it under this section to determine the circumstances surrounding the injury or injuries, abuse, or neglect, the cause thereof, the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency. The county department of welfare or children services board shall report each case to a central registry which the state department of public welfare shall maintain in order to determine whether prior reports have been made in other counties concerning the child or other principals in the case. The department or board shall submit a report of its investigation, in writing to the law enforcement agency.

The county department of welfare or children services board shall make such recommendations to the county prosecutor or city director of law as it deems necessary to protect such children as are brought to its attention.

Anyone or any hospital, institution, school, health department, or agency participating in the making of the repots, or anyone participating in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.

Nothing in this section shall be construed to define as an abused

or neglected child any child who is under spiritual treatment through prayer in accordance with the tenets and practice of a well-recognized religion in lieu of medical treatment, and no report whall be required as to the child.

Any report made under this section is confidential, and any person who permits or encourages the unauthorized dissemination of its contents is guilty of a misdemeanor of the fourth degree.

Reports required by this section shall result in protective services and emergency supportive services being made available by the county department of welfare or children services board on behalf of children about who [sic] the reports are made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The department of public welfare shall exercise rule-making authority under Chapter 119. of the Revised Code to aid in the implementation of this section.

There shall be placed on file with the juvenile court in each county and the department of public welfare an initial plan of cooperation jointly prepared and subscribed to by a committee consisting of the county peace officer, all chief municipal peace officers within the county, the prosecuting attorney of the county and the director of law of each city, and the children services board or county welfare department exercising the children services function as convened by the county welfare director. The plan shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under the section and section 2151.41 of the Revised Code. The plan shall include a system for cross-referral of reported cases of abuse and neglect as necessary, and shall also include the name and title of the official directly responsible for making reports to the central registry.

APPENDIX D

DEPARTMENT OF PUBLIC WELFARE

Inquiries to: Bureau of Children Services
30 East Broad Street, 30th Floor
Columbus, Ohio 43215
Telephone: (614) 466-2146

September 22, 1982

SOCIAL SERVICES INSTRUCTION MEMORANDUM NO. 92

SUBJECT: INVESTIGATION OF SUSPECTED CHILD ABUSE AND NEGLECT

County welfare departments with children services and children services boards (CWDs/CSBs) are required to investigate each report of suspected child abuse and neglect which is received. This responsibility may not be delegated to any other public or private agency or organization. Investigations of suspected child abuse and neglect must be performed in cooperation with the law enforcement agency of appropriate jurisdiction according to the procedures set forth in the county plan of cooperation.

DEFINITION OF TERMS

Abused child is any child who is the victim of sexual activity as defined under Chapter 2907. of the Ohio Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child; is endangered as defined in Section 2919.22 of the Ohio Revised Code, except that the court need not find that any person has been convicted under that section in order to find that the chld is an abused child; or exhibits evidence of any injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it, except that a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this division if the measure is not prohibited under Section 2919.22 of the Ohio Revised Code.

Alleged child victim is a child identified as the abused/neglected child.

Alleged perpetrator is the individual identified as the one responsible for the abuse/neglect of the child.

Assessment is a two-stage process by which decisions are made, based upon information obtained through the investigation and the agency's subsequent involvement with a family.

Case decision is the determination of whether abuse or neglect has occurred or is occurring.

Child abuse and neglect team is a group of professionals, including paraprofessionals, representing various disciplines and agencies, who have the established purpose of pooling expertise to assist in the identification or treatment of specific incidents of child abuse or neglect. A representative of the CWD/CSB must be a regular member of the team.

Emergency is a situation where there is reason to believe an immediate threat to a child's safety or well-being exists.

Initial assessment is the evaluation of the information gathered during the investigation. The need for continued emergency intervention is determined in the initial assessment. This is the first stage of the assessment process.

Intervention is the action initiated by the CWD/CSB or law enforcement agency to prevent further abuse, neglect, or exploitation of a child.

Investigation is a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the investigation provides data upon which to make a case decision regarding a report of suspected child abuse or neglect.

Neglected child is any child who is abandoned by his parents, guardian, or custodian; who lacks proper parental care because of the faults or habits of his parents, guardian, or custodian; whose parents, guardian or custodian neglects or refuses to provide him with proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals, or well-being; whose parents, guardian, or custodian neglects or refuses to provide the special care made necessary by his mental condition; or in violation of Sections 5103.16 and 5103.17 of the Ohio Revised Code. A child who, in lieu of medical or surgical care or treatment for a wound, injury, disability, or physical or mental condition, is under spiritual treatment through prayer in accordance with the tenets and practices of a well-recognized religion is not a neglected child for this reason alone.

Protective services worker is an employee of the CWD/CSB who is assigned responsibility for the investigation and management of suspected child abuse or neglect cases.

Social assessment is the analysis of the social, environmental, and interactional information gathered about the family during the investigation. It occurs after the report has been determined valid

and continued agency involvement has been deemed nessary. The social assessment identifies the family's strengths, problems, and needs and results in an identification of appropriate supportive services. This is the second stage of the assessment process.

Support services are the services provided or arranged by the protective services worker to prevent the continued abuse or neglect of a child and correct any resultant damage to the child or family members.

PURPOSE OF INVESTIGATION

The purpose of an investigation of child abuse or neglect is to determine:

1. The circumstances surrounding the injury, abuse, or neglect.
2. The occurrence of abuse or neglect.
3. The cause of the abuse or neglect.
4. The person or persons responsible for the abuse or neglect.
5. The need to protect the child from harm.

Information gathered during the investigation will be used to:

1. Assess the need for continued emergency intervention.
2. Evaluate the safety of the child.
3. Make a case decision and determine the need for supportive services.
4. Prepare a social assessment when needed.

JURISDICTION TO INVESTIGATE

A CWD/CSB shall investigate any report of suspected child abuse or neglect involving a child who resides or was abused in its county of jurisdiction. The lead responsibility for an investigation involving one or more CWDs/CSBs rests with the CWD/CSB that first receives the report.

Should a report of suspected child abuse or neglect involve two CWDs/CSBs (i.e. child abuse or neglect occurs in county X and child resides in county Y), whichever CWD/CSB first recieves the report shall telephone the second CWD/CSB within one working day to alert it to the report and to determine the modes of cooperation the two agencies will utilize in the investigation. Both agencies have investigative responsibility. A written account of the report of alleged child abuse

or neglect shall immediately be forwarded (never longer than three working days) to the second CWD/CSB. The narrative shall provide written confirmation of the investigative roles and responsibilities which were decided during counties X and Y's first contact.

CONDUCTING AN INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT

The CWD/CSB shall ensure that all investigations of suspected child abuse or negelct are conducted in an objective and thorough manner. In completing investigations, the protective services worker shall:

1. Gather and record information to corroborate or dismiss the report of suspected child abuse or neglect.

2. Document any personal observations and identify them as such.

3. Initiate all action deemed necessary to protect the child.

4. Utilize supportive and in-home services to preserve the family unit intact whenever possible.

5. Seek removal of the child from the home environment only when alternative services cannot provide sufficient protection.

6. When deemed necessary to the child's health and well-being, secure an emergency court order granting authorization for removal from the home environment through procedures as described in the county plan of cooperation.

If the CWD/CSB determines from the report of suspected child abuse or neglect that an emergency exists because a child's life or safety is in danger, an investigation shall begin within an hour of receipt of report. Investigation of each report determined not to be an emergency must begin within 24 hours.

The CWD/CSB shall request assistance from the appropriate law enforcement agency as needed and make recommendations for the protection of the child to the county prosecutor or city director of law as is deemed necessary.

Upon completion of an investigation of suspected child abuse or neglect, the CWD/CSB must submit a report to the appropriate law enforcement agency, or utilize procedures described in the county plan of cooperation.

Child abuse and neglect investigative regulations are considered components of minimum mandatory services prescribed in Rule 5101:2-23-01 of the Ohio Administrative Code. These regulations must be followed to meet county children services plan (CCSP) requirements. Failure to comply with procedures prescribed in this memorandum may result in CCSP disapproval, adverse audit findings by the department, or violation of Section 2151:421 of the Ohio Revised Code. Section

2151.99 of the Ohio Revised Code makes violation of Section 2151.421 of the Ohio Revised Code a misdemeanor of the fourth degree.

CONTACT WITH THE ALLEGED CHILD VICTIM DURING AN INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT

In all investigations, the protective services worker shall:

1. Make face-to-face contact with the alleged child victim.

2. View the child's physical condition to determine if any injury, wound, or condition exists that would give evidence of abuse or neglect.

3. Take or arrange for photographs of the areas of trauma exhibited on the child to be taken unless, in the judgment of the protective services worker,it is unnecessary or detrimental to the child's well-being.

4. Arrange for any necessary medical or psychological services needed for the child.

If an investigation cannot be conducted because the protective services worker is refused entry into the home or facility where the alleged child victim resides or is refused access to the alleged child victim's school or medical records, the CWD/CSB shall request assistance from the appropriate law enforcement agency and/or petition the court for the necessary authorization to perform the mandated investigation.

INVESTIGATIVE INTERVIEWS

The protective services worker shall interview all appropriate and available parties during the investigation. Interviews shall include, but not be limited to, caretakers, witnesses, and alleged perpetrators. The alleged child victim also shall be interviewed, unless an interview already has been conducted by another source and repetition is considered detrimental to the child, or unless the child is not of age conducive to interviewing. If the alleged perpetrator resides within the home or has had extensive contact with the family, any other child within the home may be interviewed. The protective services worker must contact any other source that may provide information relevent to the investigation and case decision. This may include a professional currently providing services to the alleged victim or a family member; an adult responsible for the temporary care of the alleged victim such as a teacher, day care professional, or regular baby sitter; or an out-of-home sibling.

The protective services worker shall exercise professional judgment in the selection of information sources. To protect the family's right to privacy and the confidentiality of the report, the protective services worker should not randomly interview the family's neighbors, friends,

or other nonprofessional, nonrelated persons.

ASSESSMENT AND CASE DECISION

As soon as possible, but always within 30 calendar days, the protective services worker shall make a determination if abuse or neglect occurred. This decision shall be based on an assessment of all the known information resulting from an investigation of a report of child abuse or neglect. The assessment must include an evaluation of:

1. Any family crisis.
2. The family's emotional and functional capacities.
3. How the family provides for the child's basic physical, emotional,and social needs.
4. Parent tp partner (caretaker) relationship and caretaker to child relationship.

REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT INVOLVING THE DEATH OF A CHILD

If a report of suspected child abuse or neglect involves the death of a child, the protective services worker shall share all information contained in the report by immediately telephoning the appropriate law enforcement agency.

Within five working days, the oral report shall be followed by a written report to the appropriate law enforcement agency for any investigation which was precipitated by the death of a child. The protective services worker shall be responsible for providing timely and complete supplements to the written report if additional information becomes available.

CASE RECORD CONCERNING INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT

The CWD/CSB shall retain a wirtten record of each investigation of suspected child abuse or neglect pursuant to Section 149.38 of the Ohio Revised Code. Case records must be maintained for a minimum of three years or until an audit is completed if one has been initiated within the three-year period. The record shall include documentation of collateral contacts, interviews, action taken, and any other corroborating information relevant to the investigation and report, and case decision. On a periodic basis someone must review case records and discard anything not pertinent according to Chapter 1347. of the Ohio Revised Cod.

THIRD PARTY INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT

The CWD/CSB shall request a third party investigation be conducted by the law enforcement agency designated in the county plan of cooperation for every report of suspected child abuse or neglect involving an institution, facility, or foster home which is licensed, approved, or certified by the department and operated by the CWD/CSB. A third party investigation also shall be requested for all reports which allege the involvement of CWD/CSB or department staff, agents receiving payment from the CWD/CSB, or persons acting under the auspices of the department or the CWD/CSB.

An independent investigation by the designated law enforcement agency does not relieve the CWD/CSB of its statutory responsibility to investigate each report of suspected child abuse and neglect. The CWD/CSB must conduct a separate investigation concurrent with that conducted by the designated law enforcement agency. Voluntary withdrawal from service by involved parties or action(s) taken by the department does not relieve the CWD/CSB of its investigative responsibility. A complete investigation, case decision, and, if appropriate, social assessment and supportive services shall be provided by the CWD/CSB.

The designated law enforcement agency shall inform the CWD/CSB of its investigation as subscribed to in the child abuse and neglect county plan of cooperation.

The CWD/CSB shall provide the children's protective services (CPS) unit with a written summary of all investigations requiring third party investigation. The summary must be received within 45 calendar days of the initial report and must include a copy of the report prepared by the designated law enforcement agency, the case decision reached by the CWD/CSB, a social assessment and identification of action taken, if appropriate, and all relevant information gathered through the investigative process.

DISSEMINATION OF INFORMATION CONCERNING INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT

The actions taken and the information gathered during the course of the investigation of suspected child abuse or neglect are made confidential by Section 2151.421 of the Ohio Revised Code, under sanction of criminal penalties. The CWD/CSB shall not permit unauthorized dissemination of any information pertaining to them, except in the specific circumstances identified as authorized.

Prior to the release of information to any agency or organization, the CWD/CSB shall verify that the agency or organization has rules or policies governing the release of confidential information which are consistent with those of the CWD/CSB. Information may only be released if it is considered necessary to the investigation or for the delivery of services to the alleged child victim or family members. Information

which violates the confidential status of any collateral contact shall not be provided without permission of the affected individual. The identity of the complainant/referral source shall not be included in any information released, except to a law enforcement official currently investigating an alleged abuse or neglect incident.

The release of any information concerning an investigation of suspected child abuse or neglect must be noted by the CWD/CSB in the case record. The CWD/CSB must specify the date the information was released, the agency, organization, or individual with whom the information was shared, and the reason for the release.

Release of information is authorized only in the following circumstances:

1. Information is requested by department staff responsible for protective services or related services which provide for the care and well-being of children. Upon request from CPS, the CWD/CSB shall supply all available information regarding the report of suspected child abuse or neglect, the resulting investigation, and the action taken by the agency. Such information may be oral or, if requested by CPS, submitted in writing within 30 days. If asked by the CWD/CSB, department staff shall submit the request in writing, referencing the specific case and identifying the reason for the request.

2. Information is requested by CWD/CSB currently providing protective services to the child or family.

3. Information is requested by a law enforcement official currently investigating an alleged abuse or neglect incident.

4. An alleged child victim has been brought to a physician by the CWD/CSB for the purpose of determining whether abuse or neglect has occurred.

5. A mental health professional is providing diagnostic services for the CWD/CSB.

6. Upon appropriate order of Ohio Court of competent jurisdiction. In the event of the issuance of a subpoena for the case record or for any agency representative to testify concerning investigative information, the court's attention is to be called through proper channels to the statutory provisions and the policies, rules, and regulations against disclosure of information.

7. Information is requested by a member of the child abuse and neglect team for the purpose of team consultation.

8. Information is released to the central registry on child abuse and neglect.

9. Information is requested by an individual, agency, or organization for research purposes. No information shared for this purpose may contain a name or other data by which a principal of a report of suspected child abuse or neglect could be identified. Prior to the release of information, the CWD/CSB must be satisfied that the information will be used only for the identified purpose for which it was made available and that such purpose is related to the goals of children's protective services.

10. The director of the CWD or executive secretary of the CSB determines that release of information is in the best interest of the alleged child victim or family and provides written authorization of such. The authorization shall be incorporated into the respective permanent case record.

APPENDIX E

CUYAHOGA COUNTY WELFARE DEPARTMENT - SOCIAL SERVICES

SEX ABUSE POLICY

A most important aspect of this department's responsibility to the children of the county is the investigation of all reported cases and intervention into all substantiated cases of sexual abuse.

Our practice in this field is informed by certain basic principles.

1. Children have a right to a safe and healthy environment in which to grow and mature.

2. The sexual abuse of children is a crime which should be prosecuted to the full extent of the law.

3. The safety of the child is of paramount concern during both the investigative and treatment phases of cases of sexual abuse.

4. Child sexual abuse is most often symptomatic of profound family dysfunction and thus all family members should receive appropriate treatment.

5. Investigation of these cases must be initiated within 24 hours. Case investigation is initiated when a worker has had contact with a principal in the case.

6. Cooperation between the 58 police departments of Cuyahoga County and the County Welfare Department is essential to the proper investigation of sex abuse cases.

   It is important to note in this regard that while all cases are reported to the police by the Welfare Department, not all investigations can be handled jointly because the purposes of the investigations are different.

7. Cooperation between the Department and other service agencies and interested individuals is important and must be nurtured.

8. Confidentiallity of information gathered in sex abuse cases must be maintained assiduously as a matter of law as well as of local policy.

9. Unsubstantiated sex abuse cases are not to be closed until the worker and the supervisor are convinced that the child is in no immanent danger of being abused.

10. Children seldom lie or make up stories about sexual maltreatment.

APPENDIX F

CLEVELAND POLICE DEPARTMENT POLICY REGARDING CHILD/SEX ABUSE

If the referral came from Social Services on Child Abuse Form, the form is sent directly to the Sex Crimes Abuse Unit located on the Fourth Floor of the Justice Center (1300 Ontario, Cleveland, phone 623-5630). At that time the referral is reviewed by a Supervisor and is then assigned to a team of Detectives. At that time the Detectives decide how they are going to handle the investigation. There are numerous options: 1) to call the Social Worker assigned to the case and get any additional information that is not on the form and what their interview(s) have revealed and their opinion, which is very important in deciding how the matter will be or if it will be pursued. If the worker feels Police Involvement is warranted the officers then make contact with the victim. 2) The interview of the victim may be done in the victim's home in the presence of one or both of the parents depending on whether the parents are suspects or if one parent is involved. It would depend on whether the non-offending parent is supportive of the victim. 3) If the Social Worker feels that both parents are involved or not supportive then the interview may be at the victim's school with a teacher or principal present. 4) If it is the summer months then the interview might be done at the Social Services Building with a worker present.

Upon completion of the interview the detective then has to make the determination as to how he is going to proceed with the investigation. Usually the first thing the detective will do is be sure that a medical examination is done to document any evidence that may or may not still be present. A request will be sent with the victim to forward a copy of the examination to the detective that is assigned to the case. The detective then may confront the suspect by asking the suspect to voluntarily come in and be interviewed or the detective might get a warrant for the suspect's arrest. Prior to the arrest, or it may be done after the arrest, the detective will interview any witnesses the victim may know about and the detective will interview any alibi witness the suspect may have. If the victim is able to read, a written statement will be taken from the victim prior to the arrest but if the victim is not able to read an oral statement will be typed by the detective stating what the victim has said. At the time of the suspect's arrest he is read and explained his Constitutional Rights and if he is willing to make an oral or written statement one is taken just like in the victim's case. Based on the information the suspect provides, the detective will either end the investigation or will contiue the investigation. At the time the detective determines that enough information has been gathered or if all the information that can be obtained is gathered the arrest (if not done so already) will occur after the City Prosecutor has been conferred with and issues papers which will then be issued in the form of a warrant. When the suspect is arrested and the statement taken (if willing) the next

procedure is to charge the male and the first appearance in court is the next court day. At that time the charges are read against the suspect and a bond is set by the Judge and another date is set called the Preliminary at which time the victim states in court the basic necessary facts for the Judge to make a determination if there is probable cause to "bind over" the suspect to the Grand Jury for them to hear the facts and make a determination if there is probable cause that the allegations may be true and a trial to be done. At the preliminary the suspect may waive his rights and no examination or testimony of the victim is done and the Judge then will rule "Examination Waived/Bound Over" and the detective will then take the case to the Grand Jury. In a lot of incidents with a young victim the detective may decide to take the case "direct to the Grand Jury" which means that prior to the preliminary court date the facts are presented to the Grand Jury and if the Jury finds probable cause for a trial the case in then nollied in the preliminary room as the Grand Jury supercedes any preliminary charges, and no testimony is needed from the victim or the detective. After the suspect has been indicted by the Grand Jury, the suspect is arraigned and the case is assigned to a Judge. The detective then just has to wait until a trial date is set. In some circumstances a pre-trial is done with the attempt to suppress some of the evidence if it was thought to have been obtained illlegally (in violation of the suspect's constitutional rights.) Prior to the time of trial any evidence that is needed but not received is gathered or any additional investigation needed is done.

In cases where Social Services is not aware of the complaint but a parent is aware and calls the Police, a Uniform Police Officer makes a report (the report aspect was left out of the above ... in the Social Services cases the report may be done either by the detective or the detective may have a uniform officer make the report). After the uniform officer makes a report at the district level the report is sent to the Sex Crimes Unit and the detective does the same things as mentioned above. In some circumstances where the incident just occurred and the suspect is known and can be found, if the circumstances warrant it the suspect is immediately arrested and the Prosecutor is consulted afterwards. Social Services is then made aware of the allegations made by the victim either by a copy of the Police report and/or by the detective directly. An attempt is made for the detective and the Social Worker to work together, to minimize the trauma to the victim.

It is necessary to mention that at the present time the Cleveland Police Department is currently working on a new policy called the Alpha Team which is a program to keep the victim from having to go over the story many times (i.e. with a Social Worker, Police Officer, Detective, Hospital Personnel, Preliminary, etc.) This program also is making sure that the individuals handling such cases have special training and knowledge on how to interview the young victims and the best way to keep the trauma to a minimum. This program is working right now but in the experimental stages and is not City Wide. Also to be noted is that each Police Department has their own policies regarding the investigations of these types of complaints and may handle them

differently.

Since each Detective has their own way of interviewing a victim (either young or old) and suspect this has not been gone into.